Montana schools

Legislative Supplement | Office of Public Instruction | Legislative Supplement

Understanding Your Legislature

Legislative Leadership

In both the Senate and the House of Representatives, whichever political party elects the most members to a certain house becomes the majority party of that house. The Democratic and Republican legislative party caucuses meet to choose leadership officers for the coming term.

They choose a Majority Leader and a Majority Whip for each house. The Majority Leader, essentially an administrative official, is responsible for planning and controlling the order of business to be considered by the house. This is carried out from a party-oriented point of view. The Majority Whip assists the Majority Leader as needed, and is responsible for securing the attendance of the party members for important legislative votes.

Both houses also have a Minority Leader and a Minority Whip, chosen by the minority party caucus, who carry out essentially the same tasks as the majority leadership with the exception that they do not possess either the power or the influence of the majority.

Senate Leadership
President of the Senate
President Pro Tem
Majority Leader
Majority Whip
Minority Leader
Minority Whip

House of Representatives Leadership
Speaker of the House
Speaker Pro Tem
Majority Leader
Majority Whip
Minority Leader
Minority Whip

Presiding Officers

In the Senate, the President presides over the Senate proceedings with the President Pro Tem serving in his absence. In the House of Representatives, the Speaker of the House and the Speaker Pro Tem are the presiding officials. All four officers are chosen from the membership of their respective houses by the majority caucus.

The Committee System

To the observer of a legislative business session, it often appears that the legislators are oblivious to their surroundings, only coming to life when required to vote. It is very easy to be filled with misconceptions concerning the Legislature by only attending a business session.

The majority of legislative work is carried out through the Committee System. Through their Committee work, recommendations from other Committees or contact with constituents and lobbyists, most Legislators have already made their decisions before coming to the business session.

There are four basic types of committees.

1. **Standing Committees:** permanent groups that continue from one session to another.
2. **Select Committees:** special or temporary groups created for a particular job.
3. **Joint Committees:** composed of members drawn from both the House of Representatives and the Senate.
4. **Conference Committees:** special committees generally composed of a part of a House committee and a part of its counterpart in the Senate. The purpose of this conference is to iron out differences and reach a common bill acceptable to both the Senate and the House.

Each standing committee has jurisdiction over specific types of legislation. For example, the Education Committee will have jurisdiction over all bills related to education.

Every legislator is a member of at least two committees with some members serving on more. Each committee has a chairman—of the majority party—who presides over the meetings and hearings. A vice-chairman is named who presides in the absence of the chairman.

All Montana citizens have the right to attend any committee meeting or hearing.

The Committee Hearing

To aid in clarifying the procedure of a committee hearing, consider this hypothetical example. The bill to be considered is House Bill 9403 (HB-9403), which would increase the number of compulsory hours in a school day. The bill has been introduced in the House of Representatives and assigned to the Education Committee for further study and recommendations.

The Education Committee of the House of Representatives has called a hearing for Tuesday at 1:00 p.m. The Committee Room is set up with a long table in the middle of the room around which the members of the Committee sit. The chairman, vice-chairman and the secretary are usually seated together at one end of the table. Some chairs are provided around the sides of the room for the use of testifiers and observers. On the table is a binder for each Committee member containing various information and copies of the bills that are to be considered by the Committee.

Before the meeting is brought to order, all those people who wish to testify will sign in with the Committee secretary supplying their names, whom they represent, which bill(s) they are interested in and whether they are "for" or "against" the bill(s).

The Committee chairman calls the meeting to order, the secretary calls the roll and the official business begins. The bills to be discussed are usually taken in the order they were posted on the Committee Hearing-Meeting Schedule Board. It is always essential to be present at the beginning of the meeting or hearing even though your bill is at the bottom of the list of those to be considered, in case the order is altered.

The first bill on the agenda, House bill is at the bottom of the list of those to be considered, in case the order is altered.

The first bill on the agenda, House Bill (HB) 9403, would increase the number of compulsory hours in a school day. The Sponsor introduces his bill with a concise summary of its contents and intent.

Next the supporters of the bill are asked to present their testimony, and after them the opponents present their testimony against the bill. When testimony is complete, the Sponsor of the bill is allowed a short time to clarify any points. The Committee chairman will allow the Committee members to ask questions of the Sponsor and the testifiers.

After the questioning is completed, the Committee may decide:

1. To give it a "Do Pass" or a "Do Not Pass" recommendation, thus putting it out of Committee so that it may be considered by the Committee of the Whole on Second Reading.
2. To amend the bill.
3. To postpone any action until a later date.
4. To call for study with action to be taken at a later date utilizing any new information found.

When all the bills are heard, or time runs out, the Committee may adjourn until the next regularly scheduled meeting, or may decide to meet again before the next regular meeting, or may dissolve itself into executive session.

The executive session of a Committee meeting is the time for the Committee to conduct private business. During executive session the Committee members can have a more informal discussion of the bills being considered, can take final action on bills, and do whatever is needed to keep the Committee and its responsibilities in order. Under the 1972 Montana Constitution, executive sessions are open to thepublic to attend.

Chairman

It is essential to understand how powerful the Committee Chairman can be. By being able to determine the sequence of the bills to be considered, the date on which they will be considered, how much time will be granted for testimony, the sequence of the testifiers and so on, he can sway the Committee opinion one way or the other.

Testifying

Presenting testimony is an essential method to bring facts directly to the legislators. It aids the legislative process by providing information on areas that legislators rarely have the time to research on their own.

Anyone can testify. To be an effectivetestifier, it is of utmost importance to remember to be **brief and concise** in your statement. Nothing tunes out legislators more quickly than a long, boring and repetitious presentation.

Written testimony can be presented to a Committee for consideration with copies provided for each member of the Committee. Testimony may be presented to the Committee in person or can be mailed to the Committee. It is also possible to give a brief summary of your position to the Committee at a hearing without written testimony.

If you would like to use visual aids, do so if it will make your presentation more effective and understandable. On occasion films, slides and even field trips have been allowed. Make arrangements with the Committee chairman if films are to be shown or field trips planned, as you must have his permission.

Means of Communication

Letter Writing

Letters are an excellent and inexpensive method to let your legislator know your feelings and opinions about specific issues.

Be sure to put the message in your own words. Form letters or petitions never have the impact of personal, informed opinions. Legislators feel that if you really care about an issue, you will write your own letters.

Some important points to remember are:

The Proper Address:

1. Address your envelope:

Senator (or Representative)— — —
State Capitol
Helena, Montana 59601

2. Address your letter

The Honorable— — — —
Senate Chambers (or House of Representatives)
State Capitol
Helena, Montana 59601

Dear Senator— — — —
Dear Representative— — — —

Whom To Write:

1. The Chief Sponsor of the bill
2. The Committee Chairman and the members of the Committee
3. Your own area legislators

When To Write:

1. Write **before** the Committee hearing on the bill takes place.
2. Write your own legislator **before** the bill reaches the Floor on Second Reading. Most debate occurs on Second Reading, and usually if a bill passes Second Reading it will pass Third Reading.

What To Say:

1. Write as an individual.
2. Identify the bill by number and title.
3. Give the Chief Sponsor's name and the essence of the bill.
4. Indicate your position on the bill, stating **briefly** your reasons for asking his support or opposition on the measure.
5. Offer documented information for your case.
6. Request his consideration of your views.
7. Include your name, title or position and return address.

By Telephone

You can call the Legislative Operator and request to speak to your representative. If he is not able to come to the phone, you can leave a message that will be delivered to his desk by a page.

Voting

A green light means an "aye" or yes vote, and a red light means a "no" vote on a certain piece of legislation.

When a bill is brought before the Committee of the Whole for a vote on Second Reading, the bill number is lighted above the voting machine, for example, HB-234. If the bill number is followed by an "A," this means that the vote is on an amendment to the bill and will be lighted as HB-234 A. All amendments to a bill must be voted on before the final vote on the bill in question. This explains why at times it seems that the legislators are voting and voting on the same bill without passing or rejecting it. The final vote on a bill such as HB-234 will include only those amendments which received a majority of votes and thus become a part of the bill.

A vote on Third Reading is only on the final version of the bill, as adopted by the Committee of the Whole. There is no debate allowed on Third Reading.

Methods of Voting

The basic voting methods used by the Legislature are:

1. **Voice Vote:** the members call out "ayes" and "noes" and the presiding officer judges which side has prevailed.
2. **Division or Rising Vote:** any member who doubts the results of the voice vote may ask for this vote in which the two groups rise alternately and are counted.
3. **Roll Call Vote:** is taken on non-substantive questions and the names of the members shall be called alphabetically unless an electrical voting system is used.
4. **Recorded Vote:** is taken on substantive questions, and the membership are recorded by name as voting "aye" or "no."

Pairing of Votes

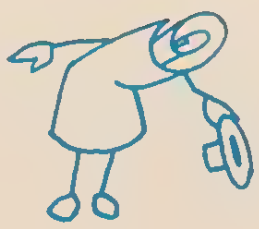
"Pairing" of votes is a procedure that provides a method for absent members to vote on legislation. When a member of the Legislature knows ahead of time that he is going to be absent, he must find a member of his house who will be present during the session in question and wants to vote opposite him. Then he informs the Majority or Minority Leader of his intention. The pair is filed with the Secretary of the Senate or the Chief Clerk of the House at the time of the vote.

Paired votes do not appear on the voting machines. When the Secretary of the Senate or Clerk of the House announces the final vote totals, he includes the pair votes, but the announced vote does not coincide with the total appearing on the voting machine.

Lawmaking

Here is the basic step-by-step procedure that a bill follows from its introduction through its passage into law. In this example, the bill originates in the House of Representatives. A bill originating in the Senate would follow the same steps, only with Senate and House of Representatives reversed.

Introduction of the Bill in the House of Representatives by a member or legislative committee.



First Reading of the Bill by Clerk of the House of Representatives, who assigns bill a number, reads number, author and title of bill before House.

Referred to the Appropriate Committee for study and recommendation by presiding officer, the Speaker of the House of Representatives.* Copies of bill are made available to the legislative members and the public. (*In Senate, the President.)

Committee Hearing after consideration of bill. The Committee may conduct public hearings at which interested persons may speak "for" or "against" the bill. The Committee then submits a standing committee report, and may: (a) "recommend bill 'do pass'." (b) "recommend bill 'do not pass'." (c) "recommend bill 'pass as amended'." (d) "recommend a substitute bill." If committee report is favorable, the bill is reproduced, with any amendments and placed on the calendar to await further consideration.

Second Reading by the entire chamber acting as a Committee of the Whole. During this time the Speaker of the House or President of the Senate steps down and a legislator acts as chairman of the Committee of the Whole and presides over debate on the floor. The bill is considered section by section and debated. Members may propose **amendments**. Approval or adoption of committee report prepares the bill for final passage. Rejection of a favorable Committee report means killing the bill. Another action to kill the bill may be "indefinite postponement."

Engrossment: The bill is rechecked for errors and put in final form with all amendments.

Third Reading by House for final passage of the bill. If bill passes, it is sent to the Senate. If the bill fails, it may be referred to Committee for further study or may receive no further consideration.

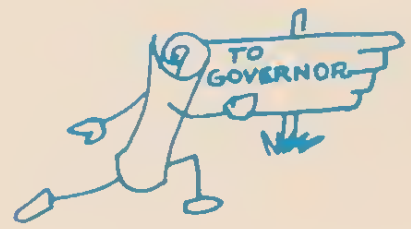
First Reading in the Senate where President* refers bill to the proper Committee. (*In the House, the Speaker.)

Committee Hearing and Report: If report is favorable bill is placed on calendar to await further consideration.

Second Reading for debate and amendment by the entire chamber acting as a Committee of the Whole.

Third Reading by Senate, voting on final passage. If bill fails to pass, it may be referred back to Committee or may receive no further consideration. If bill passes both houses in identical form, it is **enrolled** (reproduced in final form free from all errors), signed by presiding officers of both houses and sent to the Governor. If bill passes the Senate in different form and the House accepts the change(s), the bill is enrolled, signed by presiding officers and sent to the Governor. If the House rejects changes, the bill

may be sent to a **Conference Committee**—composed of members of both houses—which reaches a compromise. The Committee report is sent to both houses for consideration. If Conference Committee does not reach an agreement, the bill may receive no further consideration; or a new Conference Committee may be named. If both houses accept compromises, the bill is enrolled, signed by the presiding officers and sent to the Governor.



The bill becomes a law if the Governor signs within five days after it has reached his office during the Legislative Session. If the Governor does not act on the bill within the five days after its delivery to him **and** the Legislature is in session (25 days if the Legislature has adjourned), the bill becomes law. If Governor vetos bill, he returns it to Legislature with his veto reasons. If two-thirds of the members approve the bill, after Governor's veto, the bill becomes law. This is called "overriding" a veto.

If the Legislature is not in session and Governor vetoes a bill, the Governor returns the bill with reasons for veto to the Secretary of State. The Secretary mails a copy of the veto message to each member of the Legislature. The Legislature may then reconvene to reconsider any vetoed bill.

"From Bill to Law"

Here is a simulation game to help students better understand the procedures of lawmaking. *From Bill to Law* follows a House bill from introduction to passage into law. A bill originating in the Senate would follow the same steps, only with the Senate and House reversed. This game does not present all the alternatives possible, however, so refer to the "Lawmaking" section for a complete treatment.

Preparation

A Have students read "The Committee System" on page 1.

B Prepare the following signs ahead of time. (Students will enjoy making them, and you will teach vocabulary in the process.)
1. Mr. Speaker (House of Representatives)
2. Clerk (House of Representatives)
3. Mr. President (Senate)
4. Governor
5. The Bill—A bill for an act entitled "An Act to Permit the Sale of Milkshakes in All Montana Public School Cafeterias." Be it enacted by the Legislature of the State of Montana that milkshakes shall be permitted to be sold in all public school cafeterias.
6. Sponsor of the Bill
7. The House of Representatives (as a body)
8. The Senate (as a body)
9. Senate Judiciary Committee Chairman
10. Senate Judiciary Committee Vice-Chairman
11. Senate Judiciary Committee Secretary
12. Lobbyist for the Bill—President of the National Milkshake Assn.—"My stand is that milkshakes are nutritious, and here are some statistics to prove it."
13. Lobbyist against the Bill—Secretary to the Montana Dentristry Assn.—"My stand is that milkshakes cause tooth decay, and here are some statistics to prove it."
14. Testifier for the Bill—President of the Montana Council for Student Rights "Students should have the right to choose in this case."
15. Testifier against the Bill—nutritionist—"Milkshakes are junk food."
16. Activist Party opinion—"Hooray for chocolate! We want it five days a week!"
17. Pacifist Party opinion—"We'd prefer vanilla."
18. Independent Party opinion—"Hooray for strawberry! We want it five days a week!"
19. Secretary of State
20. House Education Committee member*
21. Senate Judiciary Committee member*
22. Letter*
23. Telephone call*

*Prepare as many of each sign as is necessary to involve all students in game.

C Print on an index card for the Speaker to read later. To the Speaker: "Mr. Speaker, this is an act permitting the sale of milkshakes in all Montana public school cafeterias." To the President of the Senate: "Mr. President, this is an act permitting the sale of milkshakes in all Montana public school cafeterias."

D Print on a card for the Clerk to read: "You are House Bill No. 1, introduced by Representatives Murphy, Murdock, Montag and Melcher—an act permitting the sale of milkshakes in all Montana public school cafeterias."

E Attach strings to signs for placement around neck.

F Choose a narrator to read the script.

Playing the Game

Part I. The Bill originates in the House.

A Place signs face down at the head of the classroom. Imaginarily divide the classroom in two: one half will be the House of Representatives, the other half, the Senate.

B Have all students choose signs to put on. Have lobbyist and testifiers know their stands on the issue.

C Give prompt cards to Sponsor and Clerk.

D Have students sit on appropriate sides of the room, with committees sitting together. The Governor and Secretary of State should sit at the head of the classroom.

E Have "Letters" and "Telephone Calls" alternately go to different participants with messages for and against the Bill. Have them say, "Here is a message (or letter) for (or against) the Bill," and have participants initial the messengers' signs.

F The party opinions are present at every step of the process—in both House and Senate sessions and at committee meetings. Have opinions move about accordingly, beginning at the House session. Opinions should express themselves whenever they have an opportunity.

G *Note on amendments.* In light of the strengths of party opinion, you might amend the Bill to allow, e.g., the sale of chocolate milkshakes on Monday and Wednesday, the sale of strawberry on Tuesday and Thursday, and the sale of vanilla on Friday.

H Narrator
1. Sponsor, will you take the Bill to the Speaker of the House of Representatives? (Sponsor escorts the Bill to the Speaker. Sponsor reads first prompt.)
2. Bill, go to the Clerk of the House of Representatives. (Clerk reads prompt.)
3. Bill, go to the House Education Committee where you were assigned by the Speaker.

Part II. House committee takes action.

Narrator
1. Education Committee, send the Bill to the printer for printing on yellow paper. (Bill leaves classroom and returns.)
2. Bill, you are now printed on yellow paper for Second Reading. You now go to the House of Representatives for debate and possible amendment.
3. House, debate and pass the Bill. (Write amendments on back of the Bill's placard.)
4. Bill, you can now go off to be engrossed—that is, printed on blue paper in final form with amendments. (Bill goes outside class and returns.)
5. Now, Bill, go back to the House of Representatives for Third Reading. (Bill goes.) You passed Third Reading.
6. Sponsor, will you take the Bill to the President of the Senate? (Sponsor reads prompt to President.)

Part III. Senate committee takes action.

A Give testifiers and lobbyists time to develop their arguments further. Have "Letters" and "Telephone Calls" go to the Senators and Governor. When lobbyists and testifiers have finished, prepare for the committee hearing. Testifiers and lobbyists should sit with the committee.

B Have Committee chairman call meeting to order. Have Secretary call the roll, using students' real names.

C. Narrator
1. Bill, the President of the Senate assigns you to the Senate Judiciary Committee.
2. Committee Chairman, ask the Sponsor of the Bill to address the committee by introducing his Bill with a concise summary of its points. (Don't forget amendments written on back.)
3. Testifier for the Bill, give your arguments to the committee.
4. Testifier against the Bill, give your arguments to the committee.
5. Chairman, ask the sponsor if he/she would like to close by clarifying any point and giving rebuttal.
6. Chairman, ask the committee members to ask questions of any testifiers, lobbyists or the Bill's Sponsor.
7. Chairman, ask the committee members to make necessary amendments to the Bill. (Make amendments, such as "milkshakes must contain at least 60% fresh milk," on back of placard.)
8. Chairman, ask the committee to take action on the Bill. Ask them to vote on whether the Bill should be given a "do pass" recommendation. (Bill should receive "do pass.")
9. Chairman, adjourn the meeting.

Part IV. The Bill becomes a law.
1. Bill, with your amendments go for printing on pink paper. (Bill leaves room and returns.)
2. Go to the Senate for Second and Third Readings.
3. Senate, pass the Bill.
4. Bill, now go back to the House of Representatives.
5. House, do you concur on the Senate amendments? (House should say "Yes.")
6. Bill, will you go to the Speaker of the House to be signed?
7. Speaker, will you sign the Bill? (Speaker signs the Bill's placard.)
8. Now, Bill, go to the President of the Senate for signature. (President signs the Bill's placard.)
9. Next, Bill, go to the Governor for his signature or veto.
10. Governor, read the Bill and sign it.
11. Bill, you are now a law.
12. Finally, Bill, go to the Secretary of State for filing. (The Bill removes the sign and hands it to the Secretary of State.)

Montana Schools is published nine times yearly—September, October, November, December, January, February, March, April, and May—by the Superintendent of Public Instruction, State Capitol, Helena, Montana 59601. Rae Childs, Division of Public Information, Editor, *Montana Schools*; John Pepper, Administrative Assistant, Gail Hansen, Typesetter (406)449-3401. *Montana Schools* is distributed in the public schools and to the members of boards, associations and organizations and to individuals concerned with education in Montana. Copies are available on request and comments are welcome. When reporting a change of address please include the label with the former address and computer code. **We appreciate the cooperation of the Montana Advisory Council on Children and Youth and credit them with the initial publication of much of this material. Copies of the original handbook are available for $1 from the Montana Advisory Council on Children and Youth, 417 W. Hayes, Bozeman, 59715.**

Lobbying

Lobbying is an integral element of the legislative process. Essentially it is a method which people with special concerns, needs, views and opinions use to try to persuade legislators to support policies, measures and legislation that will benefit their individual interests the most.

The lobbyist can provide vital information that the individual legislator rarely has time to research on his own.

Lobbying is a legitimate function with the stigma surrounding the label "lobbyist" mainly based on instances where individual lobbyists have proved to be less than ethical in their means of persuasion.

In Montana any citizen 18 years or older has the right to lobby professionally. This does not bar other citizens, including high-school-age persons, from testifying and making their views known to legislators.

An application form for a license to lobby can be obtained from the Secretary of State's Office. A license is issued upon acceptance of the application and the payment of the $10.00 license fee. Before taking this step, however, it is important to study the Lobbyist Registration and Licensing Law.

To receive additional copies of this special edition, write *Montana Schools*, Office of Public Instruction, State Capitol, Helena 59601 or call our toll free hotline 1-800-332-3402.

371.2005
P11S
Legislative Supplement
1979

PLEASE RETURN

Montana State Library
3 0864 1006 6698 4

MONTANA STATE LIBRARY
930 E Lyndale
Helena, Montana 59601

The Basics

The Senate and House of Representatives Chambers are located on the third floor of the Capitol and are connected by a lobby with a blackboard at one end and a bulletin board at the other. These are used to post committee hearing schedules. The times and locations of the hearings and meetings are listed under the appropriate committee headings, with a list of the bills to be considered.

To find out which bills would be considered by each house during the day's business session, you can request a copy of the **Daily Agenda** from the Secretary of the Senate or the Chief Clerk of the House. If none are available, you will have to consult the electronic bill boards located inside the two chambers and easily viewed from the balcony areas on the fourth floor. A Committee Hearing Schedule, which you can obtain from the Public Information Desk in the Rotunda of the Capitol, will list the bills on which testimony will be heard each day, and the place and time of the hearing.

Copies of any bills you may wish to look over can be purchased in the basement of the Capitol at the Mail Room for a small fee. It would also be helpful to secure copies of **Status Sheets** for both houses, which are published daily and are obtainable at the Mail Room. Status Sheets contain a list of all the bills introduced with a concise summary and their status for that day — that is, whether they are in committee, on second reading, being engrossed, and so forth.

You have free access to the balcony seating areas located on the fourth floor, from which to observe the business proceedings and other activities of both houses.

At the Capitol

Seating charts of both chambers will be available from the Information Desk located in the Capitol Rotunda or on request from the Sergeant-at-Arms offices near the two chambers. If you arrive before the houses convene for business, you are free to enter the two chambers, and by using your seating chart, you can locate your individual representative or senator. If someone is guarding the chamber entrances, ask permission before entering.

One hour before the houses convene for the day's business session, a sign will be posted at the entrances stating, "Two Hour Rule in Effect." This means that no one except legislators and authorized persons is allowed onto the chamber floors. This rule is to allows legislators some time before convening to organize and prepare for the business session.

If you wish to see your legislator while this rule is in effect or when the houses are in session, write a note including your name and hometown, and briefly state your reason for seeing the legislator. Pages are usually easy to find and one will take your note to your legislator. If you are unable to locate a page, go to the respective Sergeant-at-Arms Office and ask one to take your note in. You can observe all business proceedings of both houses from the balcony areas on the fourth floor.

If you should wish to contact your legislator at his Helena home address, you can obtain a copy of the **Montana Directory** published by the Mountain Bell Company. Check at the Information Desk to find out how these copies can be obtained.

Montana schools

(USPS 091 970)

Another Legislative Assembly is in session. This special issue of *Montana Schools* is designed to help student groups understand what is happening and to suggest ways in which they can most effectively participate in the process.

The most crucial and effective time to contact a legislator is before he or she is even elected to office. Legislative candidates have more time to listen to you and discuss their feelings on issues before elections, when they are out among the people securing support and getting a general concensus of what the public is thinking.

Contacting legislators at home will give both of you a more relaxed atmosphere in which to talk over issues. While at the Legislature, most legislators have only a few minutes to talk to their constituents, and both parties will be annoyed by the inevitable interruptions.

If you want to make your views known to your legislator, be prepared. Before you leave home, become as fully informed about the matter as possible. Know the arguments the opposition has and anticipate questions. Every member of the legislature is there to represent his District to the best of his ability. Be respectful and courteous. You are a very important part of government--but government is good only if everybody gets something and that means you will not get everything you want. You must be prepared to compromise.

After you spend time with your legislator, follow it up with a letter thanking him for his time and for giving you the opportunity to participate.

Participation is what this democracy is all about—enjoy it and be grateful for our system which encourages the involvement of its citizens, and in fact, would fail without it.

TO:

Second class postage paid
at Helena, MT 59601

Toll free educational hotline
1-800-332-3402